

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>STANTIN E. SILAS,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	<b>CIVIL NO. 04-cv-767-DRH</b>
<b>vs.</b>	)	
	)	<b>CRIMINAL NO. 02-cr-30071</b>
<b>UNITED STATES of AMERICA ,</b>	)	
	)	
<b>Respondent/Plaintiff.</b>	)	

**MEMORANDUM AND ORDER**

**HERNDON, District Judge:**

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255. Without benefit of a plea agreement, Petitioner pleaded guilty to two counts of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). On October 10, 2003, he was sentenced to 120 months imprisonment, three years supervised release, a fine of \$1000, and a special assessment of \$200. An appeal was filed, but it was later withdrawn. *United States v. Silas*, Appeal No. 03-3794 (7<sup>th</sup> Cir., filed Oct. 20, 2003). Petitioner later filed the instant motion under § 2255. At the time he filed his case, Petitioner also filed a motion for additional time to file a memorandum in support of his § 2255 motion (Doc. 2). At this time, however, the Court sees no need for such a memorandum; therefore, this motion is **DENIED**.<sup>1</sup>

In his motion the Petitioner raises four grounds for relief: (1) Counsel was ineffective in failing to appeal his sentence, (2) his sentence was enhanced by factors not charged in the indictment

---

<sup>1</sup> Once the Government has filed its response, Petitioner may wish to concentrate his efforts on his reply to that response.

nor admitted to by him, (3) his guilty plea was not knowing and intelligent, and (4) Counsel was ineffective in failing to advise him of the consequences of his guilty plea.

The Court **ORDERS** the Government to file a response to Petitioner's motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

**DATED: November 29, 2005.**

/s/ David RHerndon  
**DISTRICT JUDGE**